

TO AUTHORIZE THE EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT PROGRAM AT FISCAL YEAR 2006
LEVELS THROUGH 2012

JUNE 23, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 3546]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill
(H.R. 3546) to authorize the Edward Byrne Memorial Justice As-
sistance Grant Program at fiscal year 2006 levels through 2012,
having considered the same, reports favorably thereon without
amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3546 amends the Omnibus Crime Control and Safe Streets
Act of 1968 to authorize appropriations for the Edward Byrne Me-
morial Justice Assistance Grant Program in the amount of \$1.095

billion for each fiscal year through 2012. Currently, authorization for the program expires at the end of fiscal year 2009.

BACKGROUND AND NEED FOR THE LEGISLATION

The Edward Byrne Memorial Justice Assistance Grant Program (Byrne-JAG) allows States and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system.¹ States and local governments have come to rely on Byrne-JAG grants to help ensure public safety. These grants are used to support: law enforcement activities; criminal prosecution and court programs; prevention and education; corrections and community programs; drug treatment, planning, and evaluation programs; technology improvement programs; and crime victim and witness programs (other than compensation).² In short, they are an indispensable resource that States use to combat crime.

Although Congress authorized more than \$1 billion for fiscal year 2006,³ only \$520 million was appropriated for fiscal year 2007. In fiscal year 2008, the appropriation for the Byrne-JAG program was cut by two-thirds, to \$170.4 million. The President has proposed further cuts for the fiscal year 2009 budget.

The trend toward reducing the grant funding may result, in part, from concerns about instances where Byrne-JAG funding may have been abused. For example, Byrne-JAG grants funded a rogue police narcotics officer's arrest in Tulia, Texas of dozens of people, most of them African-American, based on false cocaine trafficking charges. In other instances, jurisdictions used the funding to fund task forces that focused solely on ineffective, low-level drug arrests, which has put the task force concept—and the diminished standards of drug enforcement that it has come to represent—in the national spotlight.

But reducing Byrne-JAG funding should not be the answer. Instead, safeguards such as effective oversight of States' anti-drug task forces, through a collaborative establishment of guidelines by the United States Attorney General with State attorneys general, should be instituted to ensure that the funds are used appropriately.

Nationwide, the Byrne-JAG grant program has resulted in major innovations in crime control, including drug courts, gang prevention strategies, and prisoner re-entry programs, all of which provide proven and highly effective crime prevention. These innovations demonstrate that the best crime policy incorporates programs that help at-risk youth avoid criminal behavior, and prepares prisoners for reentry into society so they have meaningful and productive alternatives to crime when they return home.

HEARINGS

The Subcommittee on Crime, Terrorism and Homeland Security held, on May 20, 2008, 1 day of hearings on H.R. 3546. Testimony was received from Domingo Herraiz, Director, Bureau of Justice

¹ <http://www.ojp.usdoj.gov/BJA/grant/jag.html>.

² *Id.*

³ Section 3758 of title 42 of the United States Code authorized \$1.095 billion for fiscal year 2006 and such sums as may be appropriated thereafter. 42 U.S.C. § 3758.

Assistance, United States Department of Justice; Dustin McDaniel, National Association of Attorneys General; James Fox, President, National District Attorneys' Association; Sheriff Craig Webre, President, National Sheriff's Organization; Ronald C. Rueker, President, International Association of Chiefs of Police; Ronald Brooks, President, National Narcotic Officers' Association Coalition, with additional material submitted by the Alabama Narcotics Officers Association, and a joint letter submitted by The American Civil Liberties Union, American Civil Liberties Union of Texas, The Brennan Center for Justice, Colorado Criminal Justice Reform Coalition, Community Court, Drug Policy Alliance, Drug Reform Coordination Network, Interfaith Drug Policy Initiative, Justice Policy Institute, Legal Services for Prisoners with Children, National Association of Blacks in Criminal Justice, National African-American Drug Policy Coalition, National Black Police Association, National Council of La Raza, Open Society Policy Center, Prisons Foundation, The Rebecca Project for Human Rights, Reentry Solutions, Tejano Center for Community Concerns, United Methodist Church, General Board of Church and Society, and Unitarian Universalist Association of Congregations

COMMITTEE CONSIDERATION

On June 10, 2008, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill, H.R. 3546, favorably reported, without amendment, by voice vote, a quorum being present. On June 18, 2008, the Committee met in open session and ordered the bill, H.R. 3546, favorably reported, without amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 3546.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3546, the following estimate and comparison prepared

by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 20, 2008.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3546, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant program at fiscal year 2006 levels through 2012.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

PETER R. ORSZAG,
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.
Ranking Member

H.R. 3546—A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

SUMMARY

H.R. 3546 would authorize the appropriation of \$1.095 billion annually for each fiscal year through 2012 for the Edward Byrne Memorial Justice Assistance Grant (JAG) program. Current law authorizes funding for this program through fiscal year 2009. CBO estimates that implementing H.R. 3546 would cost about \$3 billion over the 2008–2013 period, assuming appropriation of the authorized amounts. Enacting the bill would not affect direct spending or receipts.

H.R. 3546 contains no intergovernmental or private-sector mandates as defined in the Unfunded mandates reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3546 is shown in the following table. Current law authorizes the appropriation of \$1.095 billion for fiscal year 2006 and such sums as may be necessary for fiscal years 2007 through 2009 for the JAG program. The Congress appropriated \$358 million for this program for 2008, however, and CBO estimated the current authorization level for 2009 by adjusting that amount for inflation.

For this estimate, CBO assumes that the amounts authorized by H.R. 3546 will be appropriated by the beginning of each fiscal year and that outlays will follow the historical spending rates for these activities. We also assume that there will be no additional appropriations enacted for fiscal year 2008 for the JAG program. The

cost of this legislation falls within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2008	2009	2010	2011	2012	2013
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law						
Budget Authority/Authorization Level ¹	358	367	0	0	0	0
Estimated Outlays	636	525	366	219	102	48
Proposed Changes						
Estimated Authorization Level	0	728	1,095	1,095	1,095	0
Estimated Outlays	0	160	459	715	898	806
Spending Under H.R. 3546						
Budget Authority/Authorization Level ¹	358	1,095	1,095	1,095	1,095	0
Estimated Outlays	636	685	825	934	1,000	854

1. The 2008 level is the amount appropriated for that year for the JAG program.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 3546 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Assuming appropriation of authorized amounts, state, local, or tribal governments would receive an additional \$3 billion over the 2008–2013 period for law enforcement programs. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

PREVIOUS CBO ESTIMATE

On March 26, 2007, CBO transmitted a cost estimate for S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012, as ordered reported by the Senate Committee on the Judiciary on March 15, 2007. The two pieces of legislation are identical. The cost estimates for S. 231 and H.R. 3546 reflect different assumptions about the enactment date for the legislation.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)
Impact on State, Local, and Tribal Governments: Melissa Merrell (225–3220)
Impact on the Private Sector: MarDestinee C. Perez (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 3546, will reauthorize the Edward Byrne-Justice Assistance Grant Program at \$1.095 billion for each fiscal year through 2012, which will assist States in strengthening their criminal justice systems.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 1 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 3546 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Authorization of Grants. Section 1 amends section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3758, which currently provides that the authorization of the Edward Byrne-Justice Assistance Grant Program expires at the end of fiscal year 2009. As amended by section 1, section 508 authorizes \$1.095 billion to be appropriated for each year through 2012.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**SECTION 508 OF THE OMNIBUS CRIME CONTROL AND
SAFE STREETS ACT OF 1968**

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subpart \$1,095,000,000 [for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.] *for each of the fiscal years 2006 through 2012*